

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRACKTIME, LLC,

Plaintiff,

v.

AMAZON.COM SERVICES LLC and
AUDIBLE, INC.,

Defendants.

C.A. No. 1:18-cv-01518-MN

JURY TRIAL DEMANDED

VERDICT FORM

In answering the following questions, you are to follow the instructions I have given you in the Court's jury charge. Your answers to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. You should refer to and consider the Final Jury Instructions as you answer these questions in the Verdict Form.

QUESTION 1: INFRINGEMENT

- a. **Has TrackTime proven, by a preponderance of the evidence, that Amazon infringed any of the following claims of the '638 Patent as to Amazon Music (X-Ray Lyrics)?**

	YES (finding for TrackTime)	NO (finding for Amazon)
Claim 1	_____	_____
Claim 9	_____	_____

- b. **Has TrackTime proven, by a preponderance of the evidence, that Amazon infringed any of the following claims of the '638 Patent as to Audible Immersion Reading in Amazon Kindle?**

	YES (finding for TrackTime)	NO (finding for Amazon)
Claim 1	_____	_____
Claim 9	_____	_____

Please proceed to the next question.

QUESTION 2: INVALIDITY

A. WRITTEN DESCRIPTION

- a. Did Amazon prove, by clear and convincing evidence, that the following claims of the '638 Patent are invalid for lack of adequate written description?

YES
(finding for
Amazon)

NO
(finding for
TrackTime)

Claim 1

Claim 9

QUESTION 2: INVALIDITY (CONTINUED)

B. ANTICIPATION

- (1) Did Amazon prove, by clear and convincing evidence, that the following claims of the '638 Patent are invalid as anticipated by the prior art?

YES
(finding for
Amazon)

NO
(finding for
TrackTime)

Claim 1

Claim 9

- (2) If you answered, **YES** above for **Claim 1**, which piece(s) of prior art did you individually rely upon for that Claim 1 of the '638 Patent is invalid as anticipated?

Master (Soundhound) _____

Toub (Microsoft) _____

LiveNote _____

- (3) If you answered, **YES** above for **Claim 9**, which piece(s) of prior art did you individually rely upon for that Claim 9 of the '638 Patent is invalid as anticipated?

Master (Soundhound) _____

Toub (Microsoft) _____

LiveNote _____

QUESTION 2: INVALIDITY (CONTINUED)

C. OBVIOUSNESS

- (1) Did Amazon prove, by clear and convincing evidence, that the following claims of the '638 Patent are invalid as obvious in light of the prior art?

YES
(finding for
Amazon)

NO
(finding for
TrackTime)

Claim 1

Claim 9

- (2) If you answered, YES above for Claim 1, which piece(s) of prior art did you rely upon for that Claim 1 of the '638 Patent is invalid as obvious?

Master (Soundhound) _____

Toub (Microsoft) _____

LiveNote _____

- (3) If you answered, YES above for Claim 9, which piece(s) of prior art did you rely upon for that Claim 9 of the '638 Patent is invalid as obvious?

Master (Soundhound) _____

Toub (Microsoft) _____

LiveNote _____

Please proceed to the next question.

QUESTION 3: PATENT ELIGIBILITY

Did Amazon prove, by clear and convincing evidence that, from the perspective of one of ordinary skill in the art, the ordered combination of elements in the following claims of the '638 Patent was well-understood, routine, and conventional as of the time of the invention?

YES
(finding for
Amazon)

NO
(finding for
TrackTime)

Claim 1

Claim 9

Please proceed to the next page.

If you have reached this point in the Verdict Form, you should have answered Questions 1 through 3. If you have not answered Questions 1 through 3, please go back and answer them before proceeding.

If you answered “NO” for all claims in Question 1, OR if your answers for Questions 2A, 2B, OR 2C include at least one “YES” answer for each claim, then do not answer any further questions. Proceed to the last page, have your Jury Foreperson sign and date this Verdict Form, and then deliver it to the Court Security Officer. You should not pay attention to any other instructions between this point and the signature page found at the end of this Verdict Form.

You should only proceed to answer Questions 4 and 5 if you (1) answered “YES” for any claim in Questions 1a or 1b, and (2) you answered “NO” for that same claim in Question 2A, 2B, AND 2C.

QUESTION 4: DAMAGES

- a. What sum of money, if paid in cash today, do you find TrackTime has proven it is entitled to?

For Amazon Music (X-Ray Lyrics):

\$ _____

For Audible Immersion Reading in Amazon Kindle:

\$ _____

- b. Did you calculate this number based on a running royalty or a one-time lump sum (please check only one).

_____ Lump sum

_____ Running royalty

Please proceed to the next page.

QUESTION 5: WILLFULNESS

If you found a claim of the '638 Patent infringed and the same claim not invalid, did TrackTime prove, by a preponderance of the evidence, that Amazon's infringement was willful as of November 2, 2021?

YES
(finding for
TrackTime)

NO
(finding for
Amazon)

Please proceed to the Final Page of the Verdict Form.

FINAL PAGE OF THE JURY VERDICT

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your unanimous determinations. The jury foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The jury foreperson should keep the Verdict Form and bring it in when the jury is brought back to the court room.

Signed this _____ day of _____, 2023.

Jury Foreperson _____

DUNLAP BENNETT & LUDWIG

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